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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,246	12/28/2000	Sridhar Obilisetty	026507-000100US	7477
20350 7590 05/22/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER ALBERTALLI, BRIAN LOUIS				
ART UNIT 2626		PAPER NUMBER		
MAIL DATE 05/22/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/752,246

Applicant(s)

OBILUSETTY, SRIDHAR

Examiner

BRIAN L. ALBERTALLI

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17-25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CI)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 October 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendments necessitated the new grounds of rejection.

Claim Objections

3. Claim "31" is objected to because of the following informalities: Claim "31" should actually be claim 30. The claim appears to have been mislabeled. Claim "31" has been renumbered as claim 30 herein.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-15, 17-25, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. (U.S. Patent Application Publication 2004/0204938).

In regard to claims 1, 11, and 21, Wolfe et al. disclose a method, computer system, and computer usable medium for capturing and transcribing information from a voice file, comprising:

providing instructions from a Web server to a first remote device via the Internet (see Fig. 1, instructions provided from transcription system 100 to input device 230 over the Internet, paragraph 36), wherein said instructions are for implementing a user interface according to user preferences, said user interface comprising an audible message that is accessed via a speech portal to guide a user through a process for transmitting a voice file for transcription (the input manager controller 160 guides the user to create a dictation, paragraph 42);

(a) receiving at said Web server via the Internet a voice file from said first remote device from said user, said voice file comprising digitized data representing a recorded message that is recorded using said speech portal (the speech is transmitted from the input device 230 to the transcription system 100, paragraph 39);

(b) sending said voice file from said Web server to a remote transcription service provider via the Internet (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, paragraph 36);

(c) receiving at said Web server via the Internet a transcript file from said remote transcription provider, said transcript file comprising a transcribed version of said recorded message (after the transcription is completed, it is sent back to the transcription system 100, paragraph 44); and

(d) distributing from said Web server said transcribed version to a second remote device (the completed and approved transcript is distributed by document distribution device 190, paragraph 47).

In regard to claims 2, 12, and 22, Wolfe et al. disclose said information is a medical record (paragraph 33).

In regard to claims 3, 13, and 23, Wolfe et al. disclose said voice file is received from a computer system communicatively coupled to a telephone (input management controller 160 coupled to telephone input device 230, paragraph 42), wherein said recorded message is recorded by said computer system from said telephone and wherein said recorded message is digitized by said computer system (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes).

In regard to claim 4, 14, and 24, Wolfe et al. disclose said voice file is received from a dictation device communicatively coupled to a telephone (input management controller 160, paragraph 42), wherein said recorded message is recorded by said dictation device from said telephone and wherein said recorded message is digitized by said dictation device (analog telephone audio input would inherently have to be digitized by the computer for transmission over the network and recognition purposes), and wherein said voice file is received from said dictation device without using a port of said dictation device (the speech recognition device 140 transcribes the voice file to text, paragraph 40; over the Internet, i.e. "without using the port of said dictation device", paragraph 36).

In regard to claims 5, 15, and 25, Wolfe et al. disclose monitoring the status of a voice file (the user can monitor the status of all dictation information, paragraph 34).

In regard to claims 7, 17, and 27, Wolfe et al. disclose sending said transcribed version of said recorded message to a facsimile machine (fax, paragraph 47).

In regard to claims 8, 18, and 28, Wolfe et al. disclose sending said transcript file to a remote device operable to print said transcribed version (paragraph 49).

In regard to claims 9, 19, and 29, Wolfe et al. disclose sending said transcribed version of said recorded message to a remote device operable to display said

transcribed version (Fig. 3, a transcription station 400 receives the text and corresponding dictation for display on display device 480, paragraph 58).

In regard to claims 10, 20, and 30, Wolfe et al. disclose sending said voice file to a remote device operable to make said voice file audible (the transcription station 400 allows a user to manually perform a transcription, which inherently requires making the voice file audible, paragraph 58; see also multimedia control 930 in Fig. 6).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 5/20/08

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626